

CHAPTER 1130

APPROPRIATIONS — WORKFORCE DEVELOPMENT — FUNDING RESTORATION

S.F. 2324

AN ACT making appropriations to the department of workforce development for certain purposes and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **LEGISLATIVE FINDINGS.** It is the finding of the general assembly that the recent Iowa supreme court decision of *Homan v. Branstad*, No. 11-2022, March 16, 2012,¹ has invalidated the proper enactment of certain provisions contained in the 2011 Iowa Acts, chapter 130 (Senate File 517). It is the intent of the general assembly to reenact, as amended, certain invalidated provisions of Senate File 517 that were published in the 2011 Iowa Acts and to validate expenditures made by the department of workforce development and actions entered into in reliance on the enactment of the invalidated provisions published in the 2011 Iowa Acts.

Sec. 2. **DEPARTMENT OF WORKFORCE DEVELOPMENT.** There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

a. For the division of labor services, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 3,495,440
..... FTEs 64.00

b. From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

2. DIVISION OF WORKERS' COMPENSATION

a. For the division of workers' compensation, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 2,949,044
..... FTEs 30.00

b. The division of workers' compensation shall charge a \$100 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances. The moneys generated by the filing fee allowed under this subsection are appropriated to the department of workforce development to be used for purposes of administering the division of workers' compensation.

3. WORKFORCE DEVELOPMENT OPERATIONS

a. For the operation of field offices, the workforce development board, and for not more than the following full-time equivalent positions:

..... \$ 8,671,352
..... FTEs 130.00

The moneys appropriated in this paragraph are contingent upon the condition that the workforce development centers and satellite offices, other than those centers maintained by electronic means, which were open and fully operational on November 1, 2011, shall remain open and operational through June 30, 2012.

b. Of the moneys appropriated in paragraph "a" of this subsection, the department shall allocate \$1,130,602 for the operation of satellite field offices in Decorah, Fort Madison, Iowa City, and Webster City.

4. OFFENDER REENTRY PROGRAM

¹ Published in 812 N.W. 2d 623

a. For the development and administration of an offender reentry program to provide offenders with employment skills, and for not more than the following full-time equivalent positions:

.....	\$	284,464
.....	FTEs	3.00

b. The department shall partner with the department of corrections to provide staff within the correctional facilities to improve offenders' abilities to find and retain productive employment.

5. NONREVERSION

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 3. EMPLOYMENT SECURITY CONTINGENCY FUND.

1. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for field offices:

.....	\$	1,217,084
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2. Any remaining additional penalty and interest revenue collected by the department of workforce development is appropriated to the department for the fiscal year beginning July 1, 2011, and ending June 30, 2012, to accomplish the mission of the department.

Sec. 4. UNEMPLOYMENT COMPENSATION RESERVE FUND — FIELD OFFICES. Notwithstanding section 96.9, subsection 8, paragraph “e”, there is appropriated from interest earned on the unemployment compensation reserve fund to the department of workforce development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount or so much thereof as is necessary, for the purposes designated:

For the operation of field offices:

.....	\$	4,238,260
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Sec. 5. GENERAL FUND — EMPLOYEE MISCLASSIFICATION PROGRAM. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2011, and ending June 30, 2012, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enhancing efforts to investigate employers that misclassify workers and for not more than the following full-time equivalent positions:

.....	\$	451,458
.....	FTEs	8.10

Sec. 6. RETROACTIVE APPLICABILITY. This Act applies retroactively to July 1, 2011.

Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 4, 2012